

## REMARKS

Claims 13-24, 35, and 26-42 are canceled herein. After entry of this amendment, claims 1-12, 25, and 43-50 are pending in this application.

### *Restriction Requirement*

Applicants hereby elect with traverse Group I (claims 1-12, 25, 43, 49, and 50), drawn to an isolated mammalian c-kit-/c-met- cardiomyocyte precursor cell, and a pharmaceutical composition or kit comprising the cell. Applicants submit that the subject matter of Group VI (claims 44-48), drawn to a method for screening for an agent using a c-kit-/c-met- cardiomyocyte precursor cell, can be searched with the subject matter of Group I. Applicants submit that it is not an undue burden on the Examiner to search for methods of screening for an agent using c-kit-/c-met- cardiomyocyte precursor cells together with isolated mammalian c-kit-/c-met- cardiomyocyte precursor cells. Thus, Applicants respectfully request that Groups I and VI be rejoined. Reconsideration of the restriction requirement is respectfully requested.

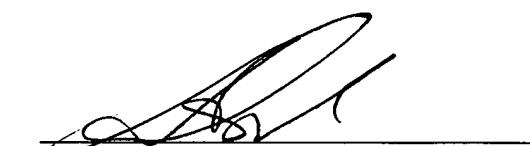
### *Conclusion*

It is respectfully submitted that the present application is in condition for substantive examination. If any minor matters remain to be addressed prior to examination, the Examiner is invited to contact the undersigned at the telephone number listed below.

Respectfully submitted,

KLARQUIST SPARKMAN, LLP

By



Susan Alpert Siegel, Ph.D.  
Registration No. 43,121

One World Trade Center, Suite 1600  
121 S.W. Salmon Street  
Portland, Oregon 97204  
Telephone: (503) 226-7391  
Facsimile: (503) 228-9446